Calendar No. 337

100TH CONGRESS
1st Session

SENATE

REPORT
100-174

CONVEYING FOREST SERVICE LAND TO FLAGSTAFF, AZ

SEPTEMBER 25, 1987.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 253]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 253) to convey Forest Service land to Flagstaff, AZ, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 253 is to convey approximately 135 acres of National Forest Service land, without consideration, to the City of Flagstaff, AZ to be used for public open space, park and recreation purposes.

BACKGROUND AND NEED

The Federal lands transferred by S. 253 are part of the Coconino National Forest and lie within the city limits of Flagstaff, AZ. The lands are part of a 256-acre tract authorized by Public Law 96-581 (Act of December 23, 1980, 94 Stat. 3371), to be sold by the Secretary of Agriculture to the city at fair market value, based on 1980 prices. The proceeds of such sale would be used to construct administrative improvements elsewhere in the National Forest.

The 134.57-acre tract has been under a continuous free-use permit to the city since 1917 for use as a city park (Thorpe Park). The free-use permit was last renewed on April 1, 1969. It was amended August 28, 1984, to delete 2.6 acres and place that parcel under a 25-year permit. The smaller parcel is being used as a baseball/multiple purpose field for which the city pays an annual fee of $1,120.52.

91-010

S313-24

S. 253 amends Public Law 96-581 to require the Secretary to convey the 134.57 acres without payment by the city.

Legislative History

S. 253 was introduced by Senators DeConcini and McCain on January 6, 1987. The bill is identical to a measure which was reported unanimously from the Committee last year. No hearings have been held on S. 253 in the 100th Congress although a hearing was held on the measure last year.

At a business meeting on September 16, 1987, the Senate Committee on Energy and Natural Resources ordered S. 253 favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on September 16, 1987, by unanimous vote of a quorum present recommends that the Senate pass S. 253 as described herein.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Bradley*	
Mr. Bingaman*	
Mr. Wirth	
Mr. Fowler*	
Mr. Conrad	
Mr. McClure	
Mr. Hatfield*	
Mr. Domenici*	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles*	
Mr. Hecht	
Mr. Evans	

*Indicates voted by proxy.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, September 22, 1987.

Hon. J. Bennett Johnston, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 253, a bill to convey Forest Service land to Flagstaff, Ari-

zona, as ordered reported by the Senate Committee on Energy and Natural Resources on September 16, 1987.

S. 253 would amend Public Law 96-581 to authorize the Secretary of Agriculture to convey 134.57 acres of Forest Service lands to the city of Flagstaff, Arizona. The land would be conveyed without consideration, except for administration costs, associated with the preparation of title and legal description.

Under current law, the city of Flagstaff would be required to pay the federal government fair market value in order to acquire the land. Based on information obtained from the Forest Service and the city of Flagstaff, and assuming that the sale will proceed if this bill is not enacted, CBO estimates that enactment of S. 253 would cause the federal government to forgo receipts of approximately $900,000 in fiscal year 1988 that would otherwise be realized from the sale of the land to the city.

Correspondingly, the city of Flagstaff would realize a savings of about $900,000 because it would not be required to pay for the land. Enactment of S. 253 would not otherwise affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
Acting Driector.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 253. The bill is not a regulatory measure in that sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 253, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of Agriculture setting forth executive agency recommendations relating to S. 253 was requested on September 21, 1987. At the time this report was filed, no views had been received from the Department. When the report becomes available, the Chairman will request that it be printed in the Congressional Record for the advice of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 253, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is

printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 96-581—DECEMBER 23, 1980

(Stat. 3371)

* * * * * * *

(b)(1)[Any conveyances] *Except as provided in subsection (c), any conveyances* pursuant to subsection (a) of this section shall be conditioned upon the Secretary entering into agreements or land exchanges, sufficient to assure the Secretary that any party with whom such agreements or land exchanges are to be made will construct on a site to be determined by the Secretary, administrative improvements equal in value to the lands and improvements authorized to be conveyed by subsection (a) of this section. The lands and improvements may be conveyed by a series of transactions or land exchanges.

(2) Each party to whom conveyances are to be made may, in the discretion of the Secretary, deposit cash in an amount not less than the fair market value, to be determined at the time of conveyance, of the lands and improvements conveyed. The cash so received shall be deposited into a special fund in the Treasury which when appropriated is authorized to remain available until expended by the Secretary for the purposes of constructing administrative improvements as described in this Act. If the value of any land and improvements thereon authorized to be conveyed by subsection (a) of this section exceeds the value of administrative improvements determined to be necessary by the Secretary to be constructed with respect to such land under this Act, the party to whom such conveyance is to be made shall make a cash payment to the United States in an amount equal to such difference in value.

[(c)(1) Of the tract of land described in subsection (a) of this section, the Secretary shall offer to sell at the fair market value, as determined on the date of enactment of this Act, to the Flagstaff Medical Regional Center, Flagstaff, Arizona, not to exceed 18.25 acres immediately adjacent to said Flagstaff Medical Regional Center and to the city of Flagstaff, Arizona, not to exceed 132.5 acres, under special use permit in effect on the date of enactment of this Act to the city of Flagstaff. Such offers to sell to the Flagstaff Medical Regional Center and to the city of Flagstaff shall remain in effect for periods of not to exceed 3 years and 10 years, respectively. Subject to the limitations contained in this paragraph, the city of Flagstaff and the Flagstaff Medical Regional Center may identify any specific tracts of land they want to purchase.

[(2) Except for any land to be conveyed to the Flagstaff Medical Regional Center and the city of Flagstaff, the Secretary shall solicit public offers for the remaining lands and improvements authorized under subsection (a) of this section. All offers shall be publicly opened at the time and place stated in the solicitation in accordance with the administrative requirements of the Secretary. The Secretary shall consider price and land values before entering into agreements or land exchanges with any party whose offer conforming to the solicitation notice is determined by the Secretary to be

most advantageous to the government. Notwithstanding any other provision of this Act, the Secretary may reject any offer if the Secretary determines that such rejection is in the public interest.]

(c)(1) Of the tract of land described in subsection (a) of this section, the Secretary shall offer to sell at the fair market value as determined on December 23, 1980, to the Flagstaff Medical Regional Center, Flagstaff, Arizona, not to exceed 18.25 acres immediately adjacent to said Flagstaff Medical Regional Center and shall convey, without consideration, except for administrative costs associated with the preparation of title and legal description, to the city of Flagstaff, Arizona, 134.57 acres, under special use permit in effect on the date of enactment of this Act to the city of Flagstaff.

(2) Title to any real property acquired by the city of Flagstaff pursuant to this section shall revert to the United States if the city attempts to convey or otherwise transfer ownership of any portion of such property to any other party or attempts to encumber such title, or if the town permits the use of any portion of such property for any purpose incompatible with the purposes specified in paragraph (3) of this section.

(3) Real property conveyed to the city of Flagstaff pursuant to this section shall be used for public open space, park and recreational purposes.

(4) Except for any land to be conveyed to the Flagstaff Medical Regional Center and the city of Flagstaff, the Secretary shall solicit public offers for the remaining lands and improvements authorized under subsection (a) of this section. All offers shall be publicly opened at the time and place stated in the solicitation in accordance with the administrative requirements of the Secretary. The Secretary shall consider price and land values before entering into agreements or land exchanges with any party whose offer conforming to the solicitation notice is determined by the Secretary to be the most advantageous to the Government. Notwithstanding any other provision of this Act, the Secretary may reject any offer if the Secretary determined that such rejection is in the public interest.

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